IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM NO.67726-M of 2006
DATE OF DECISION.5.12.2006

Rajender Kumar and others .....Petitioners

Versus

State of Haryana and another .....Respondents

CORAM HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT Mr.Ashok Kaushik, Advocate
Mr. Sanjay Vashist, Advocate
Mr. Narender Sura, AAG, Haryana.

AJAI LAMBA , J(Oral)

This is a petition under Section 482 of the Code of Criminal Procedure for quashing of FIR bearing No. 390 dated 3.9.1999 under Sections 406, 498 A, 34 IPC, Police Station Sector 7, Faridabad and all consequent proceedings.

It is pleaded that there was a matrimonial discord on account of which the present FIR came to be lodged at the instance of the respondent no.2 / complainant. During the proceedings better sense prevailed on both the sides and the parties have compromised the matter. The respondent no.2 is now living in her matrimonial home since last about one year.

Notice of motion was issued. Respondent no.2 is present in person along-with her counsel Sh. Vashist.

It is stated by the respondent no.2 that she does not want to prosecute the petitioners any further. She is living happily in her matrimonial home. There are three children out of the wedlock and their

life would be adversely affected by continuance of these proceedings.

Considering the facts and circumstances of the case, and in particular the statement given by the respondent no.2 to the effect that she is living in her matrimonial home , in my considered opinion, it shall be an abuse of process of law if the proceedings are allowed to continue. Not only the life of the petitioners would be adversely affected but also that of the respondent no.2 complainant and her three children who all are now together living.

Considering the facts and circumstances of the case as also the nature of offences involved, petition is allowed.

FIR bearing No. 390 dated 3.9.1999 under Sections 406, 498 A, 34 IPC, Police Station Sector 7, Faridabad and all consequent proceedings are hereby quashed.

December 5,2006 **(AJAI LAMBA)**
mamta **JUDGE**